



UNITED STATES MARINE CORPS
MARINE CORPS SYSTEMS COMMAND
2200 LESTER STREET
QUANTICO, VIRGINIA 22134-5010

IN REPLY REFER TO:

5720
DON-USMC-2015-006272
27 Aug 15

SENT VIA EMAIL TO: foia@foia.com
FOIA GROUP
Ms. Rose Santos
P.O. Box 368
Depew NY 14043

SUBJECT: FOIA DON-USMC-2015-006272

Dear Ms. Santos:

This responds to your FOIA requested dated May 26, 2015, which requests a copy of contract M67854-02-A-9011, including Task Orders, SOW/PWS and pricing documents.

In light of the *MCI Worldcom, Inc. v. GSA* decision, the Department of Justice Office of Information and Privacy has advised the Navy Office of the General Counsel that submitter notification in accordance with Executive Order 12,600 should be made whenever an agency receives a FOIA request for documents that contain potentially confidential information in order to obtain and consider any objections to disclosure. Therefore, in accordance with Presidential Executive Order 12,600, we allowed the submitter to review the documents and provide comment.

Pursuant to the aforementioned Executive Order 12,600 request, the submitter provided the Marine Corps Systems Command with proposed redactions pursuant to Exemptions 5 U.S.C. § 552(b)(4). These submitter redactions are identified in the enclosed documents.

Specifically, FOIA Exemption 5 U.S.C. § 552(b)(4) exempts from disclosure (i) voluntarily submitted commercial or financial information provided that the submitter does not "customarily" disclose the information to the public and provided that disclosure would be likely to interfere with the continued and full availability of the information to the government, or (ii) information likely to cause substantial harm to the competitive position of the person from whom it was obtained and likely to impact on the government's ability to obtain reliable information in the future. See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879-80 (D.C. Cir. 1992), cert. denied, 113 S. Ct. 1579 (1993); *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 766 (D.C. Cir. 1974); *Canadian Commercial Corp. v. Dept. of Air Force*, 514 F.3d 37 (D.C. Cir., 2008).

In an effort to minimize further delay we request that you review the enclosures and identify any withheld information that you believe was withheld improperly. MARCORSYSCOM will then determine whether the release of any requested information is proper under the FOIA and provide any additional releasable information in a "final release"

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letter. If we do not receive any notification from you, which specifically requests the release of any redacted information by September 28, 2015, this letter will become the final response and we will close this FOIA request.

As of August 27, 2015, twelve hours of search and review (currently billed at \$44 per hour) have been expended during the processing of your request. Please remit a check or money order, payable to the Treasurer of the United States in the amount of \$528.00 to: COMMANDER, ATTN LAW, MARCORSYSCOM, 2200 LESTER STREET, SUITE 120, QUANTICO VA 22134-5010.

If at any time you are not satisfied that a diligent effort was made to process your request, you may file an administrative appeal with the Assistant to the General Counsel (FOIA) at: Department of the Navy, Office of the General Counsel, ATTN: FOIA Appeals Office, 1000 Navy Pentagon Room 4E635, Washington DC 20350-1000.

For consideration, the appeal must be received in that office within 60 days from the date of this letter. Attach a copy of this letter and a statement regarding why you believe an adequate search was not conducted. Both your appeal letter and the envelope should bear the notation "FREEDOM OF INFORMATION ACT APPEAL". Please provide a copy of any such appeal letter to the MARCORSYSCOM address above.

Any questions concerning this matter should be directed to Mrs. Bobbie Cave at (703) 432-3934 or bobbie.cave@usmc.mil.

Sincerely,



for LISA L. BAKER
Counsel